

Appl. No.: 09/858,415  
Amdt. dated: 7/7/2004  
Reply to Office Action of April 7, 2004

### **REMARKS**

Upon entry of the Amendment, claims 1-6 are pending. Claims 1 and 6 have been amended to more particularly point out the Applicant's invention. It is respectfully submitted that upon entry of the instant Amendment, the application is in condition for allowance.

### **CLAIM REJECTIONS – 35 U.S.C. § 102**

Claims 1-4 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Jannick, U.S. Published Patent Application US 2002/0164973 A1. It is respectfully submitted that claim 1, as amended, as well as claims 2-4 are not anticipated or rendered obvious by the Jannick, et al. published patent application. In particular, in order for there to be anticipation, each and every one of the elements of the claims must be found in a single reference. It is respectfully submitted that the claims, claim 1, as amended, as well as claims 2-4 recite elements clearly not disclosed or suggested by the Jannick, et al. published patent application. For example, the claims each recite a system in which there is a communication link between various digital audio players. The Jannick, et al. published patent application does not disclose or suggest such a system. As such, there can be no anticipation. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection.

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Claim 6 has also been rejected under 35 U.S.C. § 102(e) as being anticipated by Treyz, et al. U.S. Patent No. 6,678,215. As mentioned above, in order for there to be anticipation, each and every one of the elements must be found in a single reference. It is respectfully submitted that claim 6 recites elements clearly not disclosed or suggested by the Treyz, et al. patent. In particular, claim 6 recites a system in which there is a communication link between at least two digital audio players. The Treyz, et al. patent clearly discloses a hub and spoke system in which all of the various platforms communicate with a central communications network or hub in which none of the individual spokes communicate with each other. Thus, there can be no communication. Accordingly, it is respectfully submitted that the Treyz, et al. patent neither discloses nor suggests invention reciting claim 6. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claim 6.

#### **CLAIM REJECTIONS – 35 U.S.C. § 103**

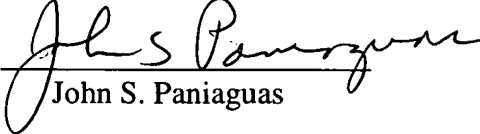
Claim 5 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jannick, et al. in view of Treyz, et al. Both the Jannick, et al. and Treyz, et al. have been discussed above. Claim 5, also recites, in combination, a system in which the digital audio devices communicate with one another. As mentioned above, neither the Jannick, et al. or Treyz, et al. patents discloses such a system. For these

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reasons and the above reasons, the Examiner is respectfully requested to reconsider  
and withdraw the rejection of claim 5.

Respectfully submitted,

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